Plant varieties in trips agreement

6279. SHRI CHIMANBHAI MEHTA:

SHRI SHANKAR DAYAL SINGH:

Will the Minister of COMMERCE be pleased to refer to the answer to Unstarred Questions 3689 given in the Rajya Sabha on the 18th April, 1994 and state:

(a) what is the meaning of plant varieties, give details thereof;

(b) whether TRIPS agreement would allow member countries of WTO to exclude plant verieties from patent protection; details thereof;

(c) if so, the reasons as to why it is necessary to protect plant varieties by 'an effective Sui Generis system';

(d) if so, whether there is any contradiction between the points raised in parts (b) and (c);

(e) who will decide about the efficiency of an 'effective Sui Generis system;

(f) what is meant by suggesting that "the TRIPS text does not refer to UPOV as such countries have been left with greater flexibility in meeting the obligations in this area than would have been by a specific reference to UPOV"; and

(g) what are the obligations that are being referred to above?

THE MINISTER OF COMMERCE (SHRI PRANAB MUKHERJEE): (a) to (g) While the TRIPS agreement generally provides for patents being made available in all fields of technology there are some exceptions. One of these exceptions is in the case of plant varieties, where three choices of patenting, an effective sui-generis system or a combination of the two have been provided.

In the case of other intellectual property rights the TRIPS agreement incorporates references to the existing international conventions (Berne Convention for Copyrights, Paris Convention for Patents, for example) but in the case of plant varieties no reference is made to UPOV. This means that in providing a sui-generis system members need not follow the provisions of UPOV.

Provisions of the TRIPS agreement will need to be given effect to through national legislation, which will also provide the definitions. UPOV 1961 defines plant variety as any cultivar, clone, line stock or hybid which is capable of cultivation and which is homogenous and stable. UPOV 1991 defines it as a plant grouping within a single botanical taxon of the lowest rank, which grouping can be defined by characteristics, distinguished from any other plant grouping and considered as a unit with regard to its suitability for being propagated unchanged.

Countries going in for a "Sui-Generis" System for protection of new plant varieties will be Expected to provide reasonable protection to the rights of plants-breeders. While doing so, farmers and researchers' interest can be safeguarded suitably.

Patenting of seeds

6280. SHRI SHANKAR DAYAL SINGH:

SHRI CHIMANBHAI MEHTA:

Will the Minister of COMMERCE be pleased to state:

(a) whether the seeds of various plants researched and innovated in India are patented or are going to be patented;

(b) what are the details of new seeds that India has searched or innovated during the last 20 years and gains to the nation's economy;

(c) whether seeds or plants that may be patented after the year 2000 in any outside country would be available at an affordable prices to Indian farmers;

(d) what are the measures being contemplated against the eventualities of the multinationals attempts not to make seeds available to India or charge